

July 2, 2004

Clerk to Judge Reginald C. Lindsay
United States District Court
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

RE: PAUL v. WINN
Civil Action No. 04-40037-RCL

Dear Sir/Madam:

On June 10, 2004, I filed a Petitioner's Motion To Treat Respondent's Motion To Dismiss, Asserting F.R.Civ.P. Rule 12(b)(6), As One For Summary Judgment And To Take The Petitioner's Opposition As A Claimant's Motion For Summary Judgment Under Rule 56(a) in the above-referenced case. It has been 21 days since the motion was filed and a copy was served upon the Assistant United States Attorney. To date the Respondent has not replied to the motion, and neither party has requested a hearing.

I, therefore, request the Court to consider my motion and issue a decision.

Thank you.

Sincerely,



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cc: Anton P. Giedt
Assistant U.S. Attorney